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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS : **WHITAKER, DAVID W.**  
SERIAL NO : **09/490,476**  
FILED : **January 24, 2000**  
TITLE : **HYBRID MAIZE PLANT & SEED 34G13**

Grp./A.U. : **1638**  
Examiner : **MEHTA, Ashwin D.**  
Conf. No. : **7190**  
Docket No. : **P04350US00**

**PRELIMINARY AMENDMENT**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the communication from the Examiner dated May 7, 2003, a Notice of Allowance, it is respectfully requested that this Preliminary Amendment and Request for Continued Examination (RCE) be entered and made of record. It is believed that the following amendments and remarks place the application in form for allowance, or at least, place the claims in a better form for Appeal. No new matter is presented, as such the amendment is proper under 37 C.F.R. § 1.116. Applicant respectfully requests reconsideration.

**Introductory Comments**

Claims 1-40 are pending in the present application.

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**CERTIFICATE OF MAILING BY EXPRESS MAIL**

I hereby certify that this document and the documents referred to as enclosed therein are being deposited with the U.S. Postal Service in an envelope as "Express Mail Post Office to Addressee" addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, prior to 5:00 p.m. on the 7th day of August, 2003.

*Patricia E. Wilson*  
Patricia E. Wilson  
Express Mail Label # EV 298921987 US